THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.498 OF 2006

DATED:6.1.2006

Between:

Posa Sivaiah

…Petitioner

And

The Authorised Officer-cum-Divisional Forest Officer

Wild Life Management Division

Tirupati

Chittoor District

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.498 OF 2006

ORDER:

The petitioner is allegedly the owner of vehicle Tata Spacio (Jeep) bearing No.AP 04-U-4494 which he purchased under hire-purchase agreement from M/s.Ashok Leyland Finance Limited, Kadapa. On 2.8.2004 the driver of the vehicle parked the same at Municipal High School, Kadapa. When he returned after attending some work, the vehicle was found missing. The petitioner lodged a complaint with II-Town Police Station, Kadapa. A crime being Crime No.94 of 2004 under Section 379 of Indian Penal Code was registered. In spite of efforts made by the Police, the vehicle could not be traced.

The petitioner received a notice dt.6.10.2004 sent by the respondent herein, namely

the Divisional Forest Officer, Wild Life Management, Tirupati, alleging that the vehicle was seized on 5.8.2004 while it was transporting red sander logs and the petitioner was asked to show cause as to why the vehicle and the forest produce should not be seized. The petitioner was asked to appear before enquiry on 15.4.2005. The petitioner allegedly appeared before enquiry on that day, but no orders are passed. The petitioner further states that in the meanwhile, for the last one and a half years the vehicle is getting spoiled in the custody of the forest officials. Therefore, he filed the present Writ Petition seeking a direction to the respondent to complete the enquiry expeditiously.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Forests. A copy of the written statement filed on behalf of the petitioner is enclosed to the Writ Petition along with notice of enquiry dt.24.3.2005. When the notice itself was issued for confiscation presumably under Section 44(2-B) of A.P. Forest Act, 1967, this Court fails to understand as to why the respondent kept the matter pending without passing appropriate orders.

The Writ Petition is therefore disposed of directing the respondent to pass appropriate orders duly considering the written statement submitted by the petitioner in accordance with law within a period of one week from the date of receipt of a copy of this order.

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(V.V.S.RAO, J)

6.1.2006

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Note: Issue CC by 9.1.2006.

(B.O)

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